



Charles M. Walker

U.S. Bankruptcy Judge

Dated: 2/21/2018



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

STEPHEN JETTON TAYLOR,
2606 Mercer Place
Thompsons Station, TN 37179

SSN: XXX-XX-1340

Debtor(s).

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)
) Bk. No. **17-04932-CW3-13**
) Chapter 13
) Judge Charles M. Walker
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)

AMENDED

ORDER DISALLOWING CLAIM OF LOANCARE, INC. (COURT CLAIM 8)
ESTABLISHING THE PREPETITION CLAIM AT ZERO AND FIXING
THE ONGOING MORTGAGE PAYMENT AT ZERO

This matter came to be heard on February 14, 2018 upon the Trustee's application to disallow, in part, the claim of Loancare Inc., designated as claim 8 on the Court's claims register, by fixing the prepetition amount at zero, and establishing the ongoing mortgage payment as required by 11 U.S.C. § 1322(b)(5).

At the call of the docket, debtor's counsel was present. No one appeared on behalf of Loancare Inc.

The Court finds that the Trustee's application is uncontested based upon the failure of Loancare to appear at the hearing on this matter. Based upon the evidence submitted by the Trustee, the Court finds that the proof of claim does not document the power of the servicer to enforce the claim in that it does not contain a mortgage note or a deed of trust. It is therefore

ORDERED, the claim asserted on behalf of Loancare, Inc., designated as claim 8 on the Court's claims register, is disallowed; it is further

ORDERED, that based upon the disallowance of the claim, the Trustee's request to fix the arrearage at zero and the issue of the ongoing payment is rendered moot.

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE
TOP OF THE FIRST PAGE.

APPROVED BY:

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III
Chapter 13 Trustee
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certifies that on or before the 20th day of February, 2018, a true and correct copy of the foregoing has been served in the following manner:

Email by Electronic Case Noticing to:

U. S. Trustee
James Flexer, Counsel for Debtor

By U. S. Postal Service, postage prepaid to:

Stephen J. Taylor, 2606 Mercer Place, Thompsons Station, TN 37179
Loancare, Inc., P. O. Box 8068, Virginia Beach, VA 23450
Loancare, Inc., 3637 Sentra Way, Virginia Beach, VA 23452

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III
Chapter 13 Trustee